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engages said flexible sheet of material disposed across said open end of said tubular body, entirely covering said peripheral edges of said sheet of material and pulling said sheet of material taut over said open end, whereby said peripheral edges of said flexible sheet of material are prevented from extending beyond said annular collar, thereby eliminating having to trim said flexible sheet of material.

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4. (AMENDED) The device of Claim 1, [wherein said tubular body has a predetermined length,] wherein said annular collar engages substantially all of said predetermined length of [said tapered exterior wall of] said tubular body and said tapered exterior wall with said interference fit.

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8. (AMENDED) The device of Claim 2, wherein said annular collar includes an interior wall, and said interlocking means includes:

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a semicircular groove located on said tapered exterior wall of said tubular body proximate said open end; and

an inwardly direct semicircular protrusion located on said interior wall of said annular collar, wherein said semicircular protrusion engages said semicircular [circumferential] groove when said annular collar and said tubular [cell] body are assembled.

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12. (AMENDED) The device of Claim 11, wherein said closed end includes a venting means for maintaining pressure equalization during [said] spectrochemical analysis.

13. (AMENDED) The device of Claim 1, wherein said tubular body includes a second open end, wherein said second open end of said tubular [cell] body permits introduction of a [said] sample into said tubular body through said second open end.

14. (AMENDED) The device of Claim 1, wherein said annular collar has a first end and a second end, wherein said first end of said annular collar further includes an outwardly directed flange to facilitate alignment of said sample receptacle [cup] during [said] spectrochemical analysis.

#### **REMARKS**

Claims 1-20 are pending in the application.

Claims 16-20 were withdrawn from consideration.

Claims 1-15 have been rejected.

Claims 1, 4, 8 and 12-14 are amended herein.

#### **Provisional Election**

Although the applicant believes that the Restriction requirement has been traversed, the applicant provisionally elects Claims 1-15 for the purposes of examination.

#### **Traversal of Restriction Requirement**

The Examiner has issued a Restriction Requirement under 35 U.S.C. §121 between the pending apparatus Claims 1-15 and the pending method Claims 16-20. In supporting the Restriction Requirement, the Examiner states: "the product as claimed can be used in a materially different process of using that product such as culturing pathogenic organisms."

Applicant respectfully traverses Examiner's Restriction Requirement because applicant is not claiming a process for using the sample receptacle, but a method of forming a sample receptacle. It is therefore believed that Examiner's Restriction is inapplicable to the present claims and improper. Since the claimed apparatus as defined in Claim 1 cannot be made by any other process except the claimed method, a Restriction Requirement under M.P.E.P. §806.05(f) would also be improper. It is therefore believed that Examiner's Restriction has been traversed for being improper.